

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 4, 2003. To clarify various aspects of inventive subject matter, Applicants amend Claims 3 and 44. In addition, Applicants cancel Claims 4-5 and 45-46 without prejudice or disclaimer. To advance prosecution of this application, Applicants have responded to each notation by the Examiner. Applicants submit that all of the pending claims are in a condition of allowance. Applicants respectfully request reconsideration, further examination, and favorable action in this case.

Claims 1-137 Rejected under 35 U.S.C. § 112

The Examiner rejects Claims 1-137 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that Claims 1-137 comprise an undue multiplicity. *Office Action at 2*. Applicants respectfully traverse these claim rejections for the reasons discussed below. In addition, Applicants provisionally select Claims 1-3, 7, 8, 10, 14, 17-20, 22, 24, 29-33, 35-37, 40, 43, 47, 49, 51, 54, 56, 64, 66, 72, 73, 82, 86, 87, 94, 96, 97, 109, 110, 114, 119, 120, 125, 127, 128, 130, 132, 134, and 136 for examination.

The M.P.E.P. provides that an Applicant has presented an unreasonable number of claims when the claims are "repetitious and multiplied, the net result of which is to confuse rather than to clarify." M.P.E.P. §2173.05(n).

In court cases after *In re Chandler*, relied on by the Examiner, the Court of Customs and Patent Appeals indicated that independent claims that differ in scope from one another are not the proper subject of an undue multiplicity rejection. *See e.g., In re Flint*, 411 F.2d 1353, 1304-05 (C.C.P.A. 1969); *see also Ex Parte Hall*, 2002 WL 31003029 *2-3 (Bd. Pat. App. & Interf. 2002). Applicants respectfully submit that the independent claims 1, 43, 64, 87, 109, 119, 128, 130, 132, 134, and 136 differ in scope from one another and, therefore, are not repetitious and/or multiplied.

In addition, the Court provided that dependent claims that depend from each independent claim differentiate themselves from each other by the differences in scope of the independent claims. *In re Flint*, 411 F.2d at 1304-05. Thus, in this Application, the dependent claims that depend from independent Claims 1, 43, 64, 87, 109, 119, 128, 130, 132, 134, and 136

substantially differ in scope from one another and, therefore, are not repetitious and/or multiplied.

For at least these reasons, Applicants respectfully request reconsider and withdraw the undue multiplicity rejection of Claims 1-137. If the Examiner intends on maintaining the rejection, Applicants respectfully request that the Examiner explain why the pending claims are "repetitious and multiplied" and explain how the claims result in confusion.

Information Disclosure Statements

Applicants note for the Examiner's convenience that Information Disclosure Statements were filed on September 24, 2002 and May 1, 2003 in this Application. Applicants respectfully request that the Examiner confirm in his next written communication that the Examiner has considered both of Applicants' Information Disclosure Statements.

CONCLUSION

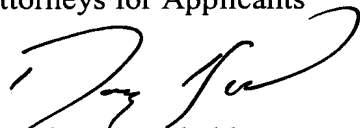
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending Claims.

Applicants do not believe that any additional fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Douglas M. Kubehl stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Kubehl may be reached at 214-953-6486.

Respectfully submitted,

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